



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 5964-99

20 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 January 1991 for four years at age 20. At that time, you extended your enlistment for an additional period of 12 months in exchange for training in the aircrew program. The record reflects that you were advanced to AEAN (E-3) and successfully completed six weeks in a level III alcohol rehabilitation treatment program on 15 October 1993.

The record further reflects that on 5 July 1994, the Bureau of Medicine and Surgery advised the Chief of Naval Personnel (CNP) that you were not physically qualified for all duty involving flying due to alcohol dependence that was in remission. However, you were recommended for duty involving flying as an aircrewman in fixed wing, non-ejection aircraft only. Such a waiver was granted contingent upon your remaining in full remission, to include complete abstinence from alcohol and close monitoring by the flight surgeon and drug and alcohol program advisor.

On 22 December 1994 you were referred to the flight surgeon after you reported to work with alcohol on your breath. The medical record noted that the command had not requested a fitness for duty evaluation. However, you admitted to an alcohol lapse. The flight surgeon advised you of an alcohol dependency problem and that you were required to abstain from alcohol use and start attending Alcohol Anonymous (AA) meetings. You were warned that your flight status would be revoked if you had a further alcohol incident.

On 17 January 1995, the flight surgeon again discussed with you the specifics of the aftercare program, specifically, AA meetings three times a week and meeting with the flight surgeon two times a month. You acknowledged that failure to meet these requirements would permanently ground you. However, on 25 February 1995 the flight surgeon noted in your medical record that you had not reported in five weeks and had failed the mandatory prescribed aftercare protocol. Accordingly, he recommended permanent revocation of your flying qualifications. Thereafter, the commanding officer recommended to CNP that your duty involving flying as an aircrewman be terminated.

On 24 March 1995 you were notified that administrative separation processing was being initiated by reason of alcohol abuse rehabilitation failure as evidenced by your failure to attend the prescribed aftercare program. You were advised of your procedural rights, declined to consult with counsel, and waived the right to have your case reviewed by the general court-martial convening authority. The discharge authority noted that your alcohol abuse continued despite the Navy's best effort to rehabilitate you and directed that you be separated with an honorable discharge by reason of alcohol rehabilitation failure. You were so discharged on 14 April 1995 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals discharged by reason of alcohol rehabilitation failure. The Board noted your contentions to the effect that you cannot understand why you received a reenlistment code which states that you are not eligible for reenlistment when your record shows a good conduct medal, no disciplinary actions, and good performance evaluations. The Board concluded that your failure to satisfactorily complete a mandatory aftercare program and take responsibility for your sobriety made you a liability to the Navy and your command, and separation was warranted. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded the reenlistment code was proper and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director